

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DEBORAH LYNN MURPHY,

Plaintiff,

v.

CIVIL CASE NO. 1:16-cv-11518

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). See ECF No. 4. Magistrate Judge Aboulhosn submitted his Proposed Findings and Recommendation ("PF&R") to the court on August 28, 2017, in which he recommended that the district court **GRANT** plaintiff's request to reverse the Commissioner's final decision only with respect to the period prior to the established onset of disability, November 28, 2013, (ECF No. 20), **DENY** defendant's request to affirm the decision of the Commissioner, (ECF No. 23), **REVERSE** the final decision of the Commissioner only with respect to the period prior to the established onset date of disability,

November 28, 2013, and **REMAND** this action for further proceedings.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to the Magistrate Judge's PF&R. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. See Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). No party has filed any objections to the magistrate judge's PF&R.

Accordingly, the court adopts the factual and legal analysis contained within the PF&R; **GRANTS** plaintiff's request to reverse the Commissioner's final decision only with respect to the period prior to the established onset of disability, November 28, 2013, (ECF No. 20), **DENIES** defendant's request to affirm the decision of the Commissioner, (ECF No. 23), **REVERSES** the final decision of the Commissioner only with respect to the period prior to the established onset date of disability, November 28, 2013, and **REMANDS** this action for further proceedings.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 26th day of October, 2017.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge